

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

NOV 14 2007

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY W. H. H. DEPUTY

ANGELO McCLEARY,

Plaintiff,

vs.

DR. B. MEYER et al.,

Defendants.

No. CIV-07-816-W

ORDER

On September 26, 2007, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this matter and recommended that the complaint filed by plaintiff Angelo McCleary be dismissed without prejudice due to McCleary's failure to pay the filing fee or show good cause for his failure to do so. McCleary was advised of his right to file an objection to the Report and Recommendation, and the matter came before the Court on McCleary's submission file-stamped October 10, 2007.

Upon reviewing the record, the Court sua sponte granted McCleary an extension of time to pay the initial partial filing fee of \$5.74 as ordered by Magistrate Judge Argo on August 29, 2007, and it directed McCleary to pay the foregoing amount or show good cause for his failure to do so by November 9, 2007.

The docket reflects that McCleary has now timely paid the initial partial filing fee. See Document No.17. Therefore, dismissal without prejudice at this stage and for this reason is no longer warranted.


Accordingly, the Court

(1) DECLINES to adopt the Report and Recommendation issued by Magistrate

Judge Argo on September 26, 2007; and

(2) RE-REFERS this matter to the Magistrate Judge for further proceedings.

ENTERED this 14th day of November, 2007.


LEE R. WEST
UNITED STATES DISTRICT JUDGE